

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission Investigation     )  
into the Allocation of Abbreviated Dialing     )     Case No. 93-1799-TP-COI  
Arrangements, Such as N-1-1.     )

FINDING AND ORDER

The Commission finds:

- (1) By entry issued in this docket on March 23, 2000, the Commission issued certain preliminary findings with respect to the December 3, 1999 application of the Ohio Council of Information & Referral Providers (OCTRP) and the 211 Ohio Collaborative (211 Ohio) (collectively, the joint applicants or OCIRP/211 Ohio)<sup>1</sup> seeking assignment of the 2-1-1 abbreviated dialing code for use in providing health and human services information and referral service in this state. Specifically, the Commission found that the joint applicants' proposed use of the 2-1-1 code was consistent with the N-1-1 allocation criteria established by the Commission in its September 4, 1997 Opinion and Order in this docket and that authorizing a two-year pilot use of the 2-1-1 code for the purposes described in the application appeared to be in the public interest. Noting that the joint applicants proposed implementation plan did not contemplate immediate implementation in the Cincinnati area, the Commission also found that granting the pending November 22, 1999 application of the Ohio Department of Transportation (ODOT) to extend its previously authorized pilot use of the 2-1-1

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<sup>1</sup> OCJRP is a non-profit association of Ohio information and referral service providers formed in 1978 to promote professionalism in the delivery of such services and to act as an information clearinghouse for technical assistance resources, promotional materials, agency profiles, and operating procedures. 211 Ohio is a subcommittee of OCIRP formed in 1999 to pursue establishment and implementation of the 2-1-1 as the dialing code for access to community health and human services resources in Ohio. (See the booklet, incorporated into the record at page 23 of the transcript from the February 13, 2001 workshop, entitled "The Past, Present, and Future State of Information Referral in Ohio" at 4, 5.)

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code in the Cincinnati area for an additional year appeared to be in the public interest.<sup>2</sup>

- (2) Consistent with these preliminary findings, our March 23, 2000 entry provided that, unless comments received during the comment cycle established therein set forth good cause to consider some other course of action, it was our intention to issue an order granting the ODOT request for a one-year extension of its 2-1-1 pilot project in the Cincinnati area and authorizing OCIRP/211 Ohio to commence a two-year pilot use of the 2-1-1 code in all other areas of the state for the purposes described in their application. The entry further stated that, in the absence of a Commission order to the contrary, OCIRP/211 Ohio would, effective one year from the date of the order, be authorized to expand their pilot program throughout the entire state and that the Commission, would direct ODOT, if it wished to continue to use an N-1-1 code for its travel and information program, to consider applying for a different N-a I code. Finally, the entry indicated that the authority to be granted under the order would be subject to any Federal Communications Commission (FCC) pronouncements relative to the nationwide use of the 2-1-1 service code.
- (3) The joint applicants, Ameritech Ohio (Ameritech), Cincinnati Bell Telephone Company (CBT), Verizon North Incorporated (Verizon), United Telephone Company of Ohio dba Sprint/Sprint Communications Company L.P. and Sprint Spectrum L.P. dba Sprint PCS, The Ohio Telephone Industry Association, AT&T Communication of Ohio, Inc./AT&T Wireless PCS, LLC, ODOT, and KYTC filed comments on April 14, 2000 and/or reply comments on April 28, 2000 pursuant to the schedule established by the March 23, 2000 entry. Issues raised and addressed included: the need for caution in assigning the 2-1-i code within

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<sup>2</sup> ODOT was authorized to use the 2-1-1 dialing code in Cincinnati to facilitate its participation in a joint project undertaken by ODOT and the Kentucky Transportation Cabinet (KYTC) which used the 2-1-1 code for caller access to a regional traffic management system in the Cincinnati/Northern Kentucky area.

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Ohio prior to a ruling from the FCC on petitions for nationwide N-1-1 assignment pending before that agency; whether other organizations and entities in' addition to the joint applicants should be considered in assigning the 2-1-1 code; and whether technical, operational, economic, and administrative details should be resolved before approval of the OCIRP/Ohio 211 application. In addition, numerous state and local agencies, state legislators, members of Congress, information referral services, and other interested parties filed letters supporting the Commission's preliminary findings regarding the OCIRP/211 Ohio application.

- (4) On July 28, 2000, the joint applicants supplemented their reply comments by submitting an FCC July 21, 2000 news release indicating that the FCC had adopted an order assigning the 2-1-1 dialing code to community information and referral-services and the 5-1-i dialing code to traffic and transportation information services.
- (5) On July 31, 2000, the FCC released its Third Report and order and Order on Reconsideration in FCC Docket 00-256<sup>3</sup> whereby it assigned, on a national basis, the 2-1-1 abbreviated dialing code for access to information and referral services and the 5-1-1 code for access to traveler information services. At paragraph 21 of its order, the FCC stated:

{W}e direct that, when, a provider of telecommunications services receives a' request from an entity (e.g., the United Way) to use for access to community information and referral services, the

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<sup>3</sup> See Third Report and Order and Order on Reconsideration, FCC Docket 00-256, In the Matter of the Petition by the United States Department of Transportation for Assignment of an Abbreviated Dialing Code (N2 1) to Access Intelligent Transportation System (TI'S) Service Nationwide, NSD-L-24; In the Matter of the Request by the Alliance of Information and Referral Systems, United Way of America, United Way 2-1-1 (Atlanta, Georgia), United Way of Connecticut, Florida Alliance of information and Referral Services, Inc., and Texas I&R Network for Assignment of 2-1-1 Dialing Code, NSD-L-98-SO; and In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements, CC Docket No. 92-105; released Ju1y 1,2000

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telecommunications provider must: (1) ensure that any entities that were using 2-1-1 at the local level prior to the effective date of this Order relinquish use of the code, for non-compliant services, and (2) take any steps necessary (such as reprogramming switch software) to complete 2-1-1 calls from its subscribers to the requesting entity in its 'service area'. . We expect community service organizations to work cooperatively to ensure the greatest public use of this scarce resource

- (6) On August 21, 2000, the joint applicants, in response to the FCC order, filed a request that OCTR/211 Ohio be designated as the implementation coordinator for the purposes of establishing 2-1-1 call centers in each Ohio county. In support of their request, the joint applicants noted that, as statewide 'organizations whose members include the state's largest and most well-established information and referral agencies and social service agencies, they are well placed to conduct the screening process which will be necessary to establish the county 2-1-1 call centers and to assure that these call centers are operated in accordance with national standards for information and referral services.
- (7) On September 8, 2000, Ameritech filed a memorandum contra the joint applicants' request, arguing that, notwithstanding the FCC order, an issue remained as to whether the Commission could properly delegate the function of establishing call centers to a private entity and, assuming it could do so, whether the joint applicants represented the appropriate entity. In addition, Ameritech noted that the technical, administrative, and economic issues raised in its earlier comments still needed to be addressed.
- (8) On February 13, 2001, the attorney examiner assigned to this matter issued an entry scheduling a 2-1-1 implementation workshop at the offices of the Commission on February 23, 2001. A non-inclusive list of possible topics to be addressed at the workshop was attached to the entry.

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- (9) Pursuant to the attorney examiner's February 13, 2001 entry, the 2-1-1 implementation workshop was convened on February 23, 2001. In addition to representatives of the joint applicants, their technical consultant, and a number of their constituent service-provider members, the workshop was attended by representatives of various telephone companies and a representative of OLYOT. Although the workshop was conducted on an informal basis, the meeting was transcribed and several documents offered during the discussion were made a part of the record for the Commission's review and consideration.
- (10) Although the comments and reply comments filed in April 2000 raised a number of issues, it is clear that, as the joint applicants suggested at the outset of the workshop, the FCC's July 31, 2000 order has rendered many of these issues moot. There is now no question that the 2-1-1 dialing code is to be made available for community information and referral services on a nationwide basis, while the 5-1-1 code is to be assigned, nationally, to traffic and travel information services. Obviously, any action the Commission takes with respect to the OCIRP/211 Ohio and 000T applications now before it must be consistent with this FCC determination. Further, the FCC order mandates that telecommunications service providers must, upon request from an entity to use the 2-1-1 dialing code, take any steps necessary to establish this service, thereby laying to rest any question as to a telephone company's basic obligation in this regard.
- (11) The Commission also notes that, based upon a review of the workshop transcript, there appears to be very little disagreement among the participants with respect to those issues which remain open after the FCC's order. Although we will examine these issues, in turn, below, we believe this absence of controversy signals a recognition by the participating telephone companies that the joint applicants have, indeed, satisfied many of the concerns raised in the earlier comments and other filings.

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(12) The first remaining area of inquiry involves the establishment of standards for handling requests for assignment of the 2-1-1 dialing code and the process for establishing and administering those standards. We believe it apparent that such standards are necessary to assure that the entities requesting designation as 2-1-1 call centers are, in fact, qualified to provide effective information and referral service. In their August 21, 2000 request for designation as implementation coordinator,, the joint applicants proposed that the "National Standards for 2-1-1 Call Centers" adopted in May 2000 by the National 2-1-1 Collaborative<sup>4</sup> be adopted as the appropriate criteria for evaluating applications for designation as a 2-1-1 call center in Ohio. These standards, which are set out in the booklet "The Past, Present, and Future State of Information Referral in Ohio" distributed at the workshop by the joint applicants (hereinafter, 211 Ohio Booklet), would require 2-1-1 call centers to:

- a. Ensure the provision of 24-hour coverage, year-round;
- b. Ascribe to the AIRS standards for information & referral;
- c. Have a plan in place to become or be accredited by AIRS;
- d. Utilize certified information & referral specialists and resource specialists;
- e. Demonstrate cooperative relationships with specialized information and referral providers, crisis centers, 9-1-1 centers, and 3-1-1 centers, where applicable;
- f. Have means of tracking call volume, number of abandoned calls, average speed of answering; and average call length;
- g. Have computerized I&R database with client collection capability;
- h. Use the ALRS/InfoLine taxonomy;

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<sup>4</sup> The National 2-1-1 Collaborative is a coalition of non-profit organizations including United Way of America. The members of the National 2-1-1 Collaborative, together with the Alliance of Information and Referral Systems (AIRS), were the petitioners in the FCC proceeding which resulted in the assignment of the 2-1-1 code to information and referral service providers.

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- i. Have the ability to publicize 2-1-1 services and educate the public on an on-going basis;
- j. Provide TTY and multi-lingual accessibility either on-site or access to live translation;
- k. Have the ability to develop linkages through protocol with' appropriate clearinghouse agencies that may be able to provide service such as volunteer or donation management; and
- l. Ensure quality of service and enquirer satisfaction through appropriate follow up.

(211 Ohio Booklet, at 8). In addition, in states such as Ohio, where more than one information and referral service provider will be providing 2-1-1 service, the standards recommend that 2-1-1 call centers have the following:

- a. An agreed upon plan to work in tandem to ensure 2-1-1 service to all areas of the state;
- b. Ability to share resource data information;
- c. Ability to track and share information on client needs and unmet needs;
- d. A common means of measuring outcomes for the operation of a call center; and;
- e. An agreed upon means of communicating with the community represented by the call center on questions for assistance, and perceived gaps and barriers to service.

(id.) These standards, which have been developed by experienced information and referral professionals and endorsed by organizations whose membership includes community health and human services providers, certainly appear to be reasonable. Further, we note that no participant in this proceeding has proposed any alternative standards.

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- (13) The question then becomes whether the Commission, itself, should administer these standards or whether, as proposed by the joint applicants, OCIRP/211 Ohio should be designated as the implementation coordinator in its September 8, 2000 memorandum contra the OCIRP/211 Ohio request, Ameritech questioned whether the Commission, could properly delegate this function to a private, albeit non-profit, entity and suggested that public policy weighs against delegation of that authority in the manner suggested by the joint applicants (Ameritech Memorandum Contra at 2). However, Ameritech offered no authority in support of either proposition and did not pursue these issues at the workshop.
- (14) We do not agree that permitting the joint applicants to administer these standards would in any way, constitute an improper delegation of the Commission's statutory authority. This Commission regulates telephone companies, not 2-1-1 call centers, and, thus, has no authority over call centers to delegate. What the Commission does have, is the, authority to impose eligibility requirements for customer access to telephone company service offerings. It is that authority which we would be exercising by establishing the requirement that an applicant for service as a 2-1-1 call center must have obtained prior approval from OCIRP/211 Ohio. The determination of whether a call center has met the appropriate standards is best left to the experts in the information and referral service field. The joint applicants are far better placed than this Commission to perform this function, to perform it on a timely basis, to provide any technical assistance necessary to assist an applicant in satisfying the standards, and to coordinate the establishment of 2-1-1 call centers to assure the broadest possible coverage without duplicating the service. Further, we believe that permitting the joint applicants to administer the call center standards is in keeping with the FCC's expectation that community service organizations will work cooperatively to ensure the greatest public use of the 2-1-1 resource. Had the FCC contemplated that state commissions would perform this function, it certainly



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would have said so. Finally, although, for reasons discussed below, we regard the possibility that there would be a dispute regarding the designation of a call center as very remote, the joint applicants have indicated their willingness to submit any disputed denial of an application for designation as a call center to the Commission for resolution (Workshop Tr. 77-82).

- (15) We also disagree with Ameritech's suggestion that granting the joint applicants request for designation as implementation coordinator is contrary to public policy. As a review of the joint applicants' proposed screening process quickly shows, it is actually the local community, not OCIRP/211, Ohio, which designates the call center. For an application for designation as the community 2-1-1 call center to be considered, the applicant must provide letters of support from at least 80% of the following organizations or entities operating in the county in question: Alcohol and Drug Board, Area Agency on Aging, Battered Women's Shelter (or other agency addressing domestic violence), Child Care Resource and Referral Agency, Children's Services Board, Community Action Agency, County Department of Jobs and Family Services, County Government, Crisis Hotline, Family and Children First Council, Library, Local/Regional 911 Service Providers or NENA Organization Mental Health Board, MRDD, Municipal Government (where agency is located), Rape Crisis Line, Senior Information and Referral Agency, United Way, and Volunteer Center (211 Ohio Booklet, Proposed Application, at 3). We believe that local control of designation of the 2-1-1 call center by the agencies and entities whose services will be accessed through the call center is, contrary to Ameritech's bare assertion, consistent sound public policy. Moreover, this requirement for documentation of community support, like each of the standards, is a very objective requirement and, as such, is not likely to produce controversy.
- (16) This brings us to the question of whether designating OCIRP/211 Ohio as the 2-1-1 implementation coordinator in each county would serve to exclude some potential user of the 2-1-1 service.

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We believe this concern, as originally voiced by Ameritech (see Ameritech Memorandum Contra at 1), to be unfounded. As the joint applicants have pointed out, if any such competing entities existed, they certainly would have emerged during the pendency of this application (OCIRP/211 Ohio Reply to Memorandum Contra at 5). Instead, the record in this case reflects that the joint applicants have received uniformly positive support from the entities and agencies whose ability to render services will be enhanced by the availability of the 2-1-1 dialing code. This is precisely what one would expect in view of the composition of the membership of OCIRP and 211 Ohio. OCIRP, itself, which now has some 40 members, has been in existence for almost 25 years, and several of its member providers have been in existence for almost 40 years. Most large cities in Ohio, such as Columbus, Dayton, Cincinnati, and Akron, have comprehensive information and referral services which operate on a 24/7 basis, and most of the state's smaller counties have some type of information and referral service supported either by governmental or United Way funding. In this case, the Commission has provided a fair and adequate forum for those within the information and referral sector to voice any opposition they have to OCIRP/211 Ohio's request for designation, but clearly no such opposition has been demonstrated of record.

- (17) In this connection, we note that, at the workshop, the Horizon/Chillicothe Telephone representative indicated that his company had been approached by the Ross County Commissioners regarding establishing an existing crisis center as the 2-1-1 call center. The company questioned whether, in view of the FCC mandate, it had the ability to deny that request pending approval by OCIRP/211 Ohio of an application for designation as the call center (Workshop Tr. 32-33). Subsequent to the workshop, a letter was submitted, in this docket by the Scioto Paint Valley Mental Health Center, the community information and referral provider which operates the crisis center in question, indicating that, notwithstanding the objection

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raised by Horizon/Chillicothe Telephone on its behalf, it supports the OCIRP/211 Ohio request and is working toward designation as the 2-1-1 call center for the area. With respect to the general concern regarding the impact of the FCC mandate on the telephone company's authority to condition provisioning of 2-1-1 service to a requesting call center on completion of the proposed OCIRP/211 Ohio approval process, the Commission is of the opinion that the FCC's stated expectation of cooperation between community service organizations contemplates just such a process "to ensure the greatest public use of this scarce resource."

- (18) In this same vein, the Commission believes that the approval process proposed by the joint applicants addresses the concerns raised at the workshop by various telephone company spokespersons with respect to the decision as to which entity should be designated as 2-1-1 call center in a particular area (Workshop. Tr. 37-38). This process will serve to eliminate overlap and will remove the decision as to which entity is to receive the 2-1-1 service from the hands of the telephone company and put it in the hands of the local community. As noted above, because the likely providers will, in many instances, be members of the organizations which will coordinate implementation,<sup>5</sup> we do not envision turf battles erupting over the 2-1-1 call center designation process. However, any such conflicts which do arise are clearly best left to the OCIRP/211 Ohio to resolve, at least in the first instance (Workshop Tr. 52).
- (19) We turn next to the question of whether there are technical and operational issues which the Commission must address prior to granting the joint applicants' request for designation as the implementation coordinator. Although the telephone company participants initially raised concerns in this regard in their filed comments, the clear consensus which evolved at the workshop was that these matters were best left to be worked out on a case-

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<sup>5</sup> There is no requirement that an applicant call center be a member of OCIRP or 211 Ohio.

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by-case basis between the telephone companies and the designated 2-1-1 call centers (see, e.g., Workshop Tr. 72). The OCIRP/211 Ohio representatives have indicated that they recognize that the telephone companies require some measure of flexibility in this area in order to provide the requested service on the most technically efficient and cost-effective basis (Workshop Tr. 56-58, 63,. 66-68). They have also indicated that there will be no requests to split exchanges for any call centers, which should serve to simplify call routing (Workshop Tr. 52, 62). If disputes should develop regarding the technical adequacy of the 2-1-1 product which each telephone company is now required to offer, the Commission is always available as a forum for complaints by call centers, either on an informal or formal basis, just as it is for other customers. Accordingly, we make no findings at this time with respect to the manner in which 2-1-1 service is to be implemented from a technical standpoint. However, in view of the fact that 2-1-1 service has already been offered in Ohio as well as in other states, we do not expect any telephone company to argue technical infeasibility as a basis for not providing this service upon request by an approved call center.

- (20) The economic concerns raised by various telephone companies in their initial comments also appear to have been laid to rest by the joint applicants. Although access to the 2-1-1 call center will, of course, be free to those seeking assistance, the call center, as the telephone company customer, will pay the cost of the 2-1-1 service (Workshop Tr. 51-53). As the OCIRP/211 Ohio representatives explained, most areas already have information and referral services which are supported by community funding sources. For example, First Link, the information and referral service provider in Franklin County, is funded by United Way, the City of Columbus, Franklin County, and the ADMH Board, among others (Workshop Tr. 64). These same funding sources will be called upon to support the 2-1-1 service to the new 2-1-1 call center, which, in essence, will simply be an overlay to an existing, funded information line operation. Obviously, the cost of this service cannot be known until the various telephone

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companies finalize their respective 2-1-1 products, but, based on the experience of 2-1-1 call centers in other states, the joint applicants anticipate that the cost of the service should be well within a call center's funding capability (Workshop Tr. 52-53). Having established that the 2-1-1 call centers will be responsible for the cost of the service, there is nothing further, for the Commission to decide at this juncture with respect to the economic issues

- (21) One question upon which no definitive consensus was reached at the workshop was the attorney examiner's inquiry with respect to whether 2-1-1 service should be a tariffed service offering or provided pursuant to contract on an individual case basis (ICB) (Workshop Tr. 70). Verizon indicated it was leaning toward a tariff, at least in areas where there is an AIN<sup>6</sup> platform (Workshop Tr. 70-71), while Ameritech suggested that the contract vehicle might have certain benefits (Workshop Tr. 72). (DCIRP/211 Ohio tentatively favored the tariff approach, noting that it would ensure evenhanded treatment of applicant call centers and would lead to the creation of precedent in interpreting terms and conditions which would be of assistance as additional 2-1-1 call centers came on board (Workshop Tr. 71). Although it was suggested that no decision need be made on this issue at this time, the Commission believes that to fail to do so might build further delay into the process.
- (22) The Commission believes that, in view, of the FCC mandate, a standard 2-1-1 service offering should be made available pursuant to tariff by those service providers over whom we exercise rate regulation. Otherwise, there is no way to assure that the service will be provided at all by such carriers, since the 2-1-1 call center cannot, or at least should not, be compelled to enter into a contract which it believes to be unreasonable in order to

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<sup>6</sup>"AIN" is a term used within the telecommunications industry to denote network architecture that allows voice switches to contact external databases for call processing information. (FCC 7-1-1 Order at 11)

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receive a service to which it is entitled. On, the other, hand, the, pricing provisions and other terms and conditions of a proposed 2-1-1 tariff offering would be subject to challenge in the normal course under the Commissions rules. We envision that, where dictated by cost differentials, the tariff offering could incorporate different pricing for different 2-1-1 service, arrangements. Moreover, if, as in the case of any service, there are special circumstances which justify ICB treatment, the parties can agree to depart from the tariff and seek special contract approval. Accordingly, we direct all local exchange companies to file a proposed 2-1-1 tariff for approval in accordance with the requirements set out in Finding (28) below. Such tariff shall specify, as a condition of eligibility for service there under, that the applicant 2-1-1 call center shall provide evidence that it has applied to, and been approved by, OCIRP/2fl Ohio as the 2-1-i call center for the exchanges in question.

- (23) In reply comments which predate the FCC's nationwide assignment of the 2-1-1 dialing code for community information and referral purposes, AT&T asked the Commission to consider "the effect the proposed dialing code assignment may have on wireless carriers" (AT&T Reply Comments at 2, 3). AT&T pointed out that wireless carrier's cell sites have the potential to serve customers in more than one city or across state boundaries. AT&T claimed that wireless providers are currently unable to determine the exact location of customers dialing 2-1-1 and therefore would not always be able to route 2-1-1 calls to the correct phone number. In addition, stated AT&T, requiring wireless carriers to translate the 2-1-1 code .to multiple phone numbers "may require multiple translations in a single switch, which is a costly and operationally burdensome process" (Id.). AT&T opined that the information and referral service provider should be required to provide the wireless carrier with a local or toll free number to which a dialed 2-1-1 code would be translated, so that neither the wireless carrier nor the 2-1-1 end user incurs a toll charge on a 2-1-1 dialed call. Finally, AT&T argued that the Commission should not attempt to restrict

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wireless carriers from charging their customers for “air time” for 2-1-1 calls, even if the service is otherwise toll free for callers, since any other result would, in AT&T’s opinion, constitute prohibited state regulation of commercial mobile service providers (CMRS) rates in contravention of federal law<sup>7</sup> (id.). Although there is no discussion directly addressed to these concerns within the FCC’s July 31, 2000 Order, nevertheless they appear to have been rendered moot by the FCC’s directive, therein, that when a provider of telecommunications services (which would include a wireless carrier) receives a request for use of the 2-14 dialing code for the FCC-authorized purpose, it must “take any steps necessary (such as reprogramming switch software) to complete 2-1-1 calls from its subscribers to the requesting entity in its service area.”<sup>8</sup> Certainly, we expect that wireless carriers should be able to appropriately recover the costs they incur in implementing and providing 2-1-1 service through the rates they charge to their customers of that service. Having said that, however, we recognize that wireless carriers are not subject to state rate regulation and, thus, leave to the federal jurisdiction the issue of what rates wireless carriers may charge for implementing and providing 2-1-1 service, even on an intrastate basis in Ohio.

- (24) In their April 14, 2000 comments, which predated the FCC’s July 31, 2000 order, ODOT and KYTC contested the OCIRP/211 Ohio application for assignment of the 2-1-1 code to information and referral service in view of ODOT’s previously approved use of that code in connection with the Cincinnati/Northern Kentucky area regional traffic management project. However, consistent with the FCC order assigning the 5-1-1 code to traffic and transportation information services, the ODOT

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<sup>7</sup> In a footnote, AT&T cites 47 U.S.C. §332(c)(3) and notes that the FCC permitted wireless carriers to charge callers for placing calls to 3-1-1 services. In the Matter of The Use of N11 Codes and Other Abbreviated Dialing Arrangements, First Report and Order and Further Notice of Proposed Rulemaking, 12 FCC Rcd 5572 at 5607, CC Docket No. 92-105, FCC 97-51 (ret. Feb. 19, 1997).

<sup>8</sup> FCC’s July 31, 2000 Order at 14, 15.

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representative participating in the February 23, 2001 workshop indicated that KYTC has already been granted statewide use of the 5-11 code in Kentucky and that 000T would be filing a request for assignment of the 5-1-1 code on a statewide basis in Ohio, including conversion from 2-1-i to 5-1-1 in the Cincinnati area (Workshop Tr. 82-84). On March 23, 2001, ODOT, in fact, filed such a request, seeking designation as the agency responsible for implementing and coordinating the use of the 5-1-1 code for traveler information services in Ohio, including the conversion from 2-1-1 to 5-1-1 in Cincinnati. The Commission has solicited and received numerous comments on ODOT's March 23, 2001 request that is now pending before the Commission.

- (25) As indicated in the preliminary findings in our March 23, 2000 entry, it was our intention to grant, by this order, a one-year extension of ODOT's pilot use of the 2-1-1 code in the Cincinnati area before expanding the assignment of the 2-1-i code to information and referral services to a statewide basis. Although the FCC mandate is controlling with respect to the assignment of the 2-1-1 and 5-1-1 codes and relinquishment of non-compliant services, we wish to assure that ODOT will be able to effectuate a seamless conversion in the Cincinnati area. Although OCIRP/2U Ohio has indicated that call centers in ten counties are currently ready to make application to the local telephone company for 2-1-1 service, the joint applicants do not anticipate an immediate application in the Cincinnati area (Workshop Tr. 84). Accordingly, we believe it appropriate at this time to extend ODOT's pilot use of the 2-1-1 code in the Cincinnati area for one year from the date of the entry or until ODOT's pending application for statewide use of the 5-1-1 code is granted and the conversion from 2-1-1 to 5-1-1 in the Cincinnati area is actually effectuated, whichever first occurs.
- (26) Consistent with the foregoing discussion, we find, in accordance with our March 23, 2000 entry and the FCC's July 31, 2000 order, that the OCIRP/211 Ohio application for assignment of the 2-1-1 abbreviated dialing code to information and referral service



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providers is well made and should be granted. We further find that the OCIRP/211 Ohio request for designation as the 2-1-1 implementation coordinator is well made and should be granted. Accordingly, we find that all jurisdictional telephone companies should be, and hereby are, directed to limit eligibility for their respective 2-1-1 service offerings to applicant call centers which have been approved by OCIRP/211 Ohio pursuant to the application process as proposed in the 211 Ohio Booklet. As a condition of granting the OCIRP/211 Ohio request for designation as the 2-1-1 implementation coordinator, we require that OCIRP/211 Ohio file reports with the Commission at six-month intervals commencing six months from the date of this entry which identify all approved 2-1-1 call centers, the date of their application to OCIRP/211 Ohio, the date the application was approved, the area proposed to be served, the serving telephone company, the date the application for service was submitted to the serving telephone company, and the date 2-1-1 service commenced to the call center. In addition to such other information as OCIRP/211.Ohio deems pertinent, the report shall also include any changes to the application standards and requirements as originally proposed, as well as any material changes in the membership, structure, or stated objectives of OCIRP and 211 Ohio. The report shall also detail any 24-1 service implementation problems encountered by call centers or applicant call centers and, if the problem has been resolved, the resolution of the problem. In the event an applicant call center disputes denial of its application by OCIRP/211 Ohio, OCIRP/211 Ohio shall advise the applicant that the Commission will mediate and/or arbitrate the dispute.

- (27) Although our March 23, 2000 entry contemplated assignment of the 2-1-1 dialing code to information and referral service providers on a two-year pilot use basis, the FCC order appears to make such assignment permanent. Accordingly, we will not purport to impose a two-year limitation on the assignment of the 2-1-1 code. However, while the assignment of the 2-1-1 code can no longer be characterized as a pilot use, we will continue to

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exercise our authority over the provision of 2-1-1 service by jurisdictional telephone companies and may, if circumstances warrant, revisit our designation of OCIRP/211 Ohio as implementation coordinator.

- (28) Upon issuance of this entry, approved call centers may make application to the serving telephone company for 2-1-1 service. The call centers shall furnish the local exchange telephone company with such information as the company may require to develop the 2-1-1 service offering. The telephone company, to the extent it is subject to state rate regulation, shall as promptly as possible, but not later than 30 days after receipt of the first application for 2-1-1 service from an approved call center, file a proposed 2-1-1 tariff, with the Commission for approval. As a part of this filing, the telephone company shall indicate the date upon which 2-1-1 service can be initiated to the applicant call center, which shall not be later than 30 days after the effective date of the proposed tariff. Once a telephone company's 2-1-1 tariff is approved and in place, service to an approved call center shall be initiated not later than 30 days from the date of the call centers application. Any telephone company that cannot comply with foregoing implementation timetable must request a waiver of these requirements. Such a waiver will be granted only for good cause shown.
- (29) On August 9, 2000, the FCC released its Second Report and Order in CC Docket No. 92-105 (the FCC's 7-1-1 Order) pertaining to, among other things, the use of the 7-1-1 abbreviated dialing code as a means of access to telecommunications relay services (TRS). Specifically, that FCC order requires all common carriers providing telephone voice transmission services to provide, not later than October 1, 2001, toll-free access to all relay services via the 7-1-1 abbreviated dialing code. The FCC specifically stated, in the order, that it would "defer to the expertise of the carriers, in cooperation with individual states and TRS providers, to develop and determine the most appropriate technological means of - implementing 7-1-

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1 access to TRS, as their particular network topologies and architectures might dictate.”

- (30) By entry in this docket issued on April 30, 2001, the Commission invited comment from each telecommunications carrier under its jurisdiction regarding the steps that each carrier has taken, or intends to take, to provide intrastate 7-1-1 service in Ohio, in order to comply with the directives of the FCC’s 7-1-1 Order.<sup>9</sup> Additionally, the entry invited the submission of any additional comments pertaining to the implementation of intrastate 7-1-1 service in Ohio that the commenting party seeks to present to the Commission.” The entry required initial comments to be filed by May 21, 2001 and any reply comments to be filed by May 31, 2001.
- (31) Initial comments pertaining to intrastate 7-1-1 implementation in Ohio were timely filed by Ameritech; jointly by AT&T Communications of Ohio and TCG Ohio (collectively, AT&T); AT&T Wireless Service, Inc. (AWS); CenturyTel of Ohio, Inc. (CenturyTel); CBT; jointly by United Telephone Company of Ohio d/b/a Sprint, Sprint Communications Company LP., and Sprint Spectrum L.P. d/b/a Sprint PCS (collectively, Sprint); jointly by ALLTEL Ohio, Inc. and The Western Reserve Telephone Company (collectively, Alltel); and Verizon. Only Ameritech filed reply comments.

1. A review of the comments and reply comments pertaining to 7-1-1 implementation in Ohio reveals the following:
  - (a) CBT has, on a company-wide basis as of April 1, 2001, already implemented 7-1-1 for purposes of accessing

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<sup>9</sup>Our April 30, 2001 Entry also solicited comments and reply comments in response to a pending request by the Ohio Department of Transportation (ODO for designation as the governmental agency responsible for implementing and coordinating the use of the 5-1-1 abbreviated dialing code for traveler information services in the state of Ohio. We intend to address the filed comments and reply comments pertaining to that subject, not here, but in a separate order to be issued in the future.

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appropriate state TRS centers in the states in which it operates (CBT Comments at 2).

- (b) Both Alltel and CenturyTel have already completed the translations for routing necessary to comply with the directives of the FCC's 7-1-1 Order (Alltel's Comments at 1; CenturyTel Comments at 1, 2).
- (c) Sprint is currently performing the translations work required to route the 7-1-1 code to the Ohio TRS provider. It is Sprint's plan to have the 7-1-1 code active for testing no later than September 1, 2001. Sprint PCS is working to implement 7-1-1 dialing access to TRS throughout its nationwide network by the FCC-mandated October 1, 2001 deadline. Sprint PCS anticipates no problems in achieving this deadline and expects to incur no extraordinary costs (Sprint's comments at 4).
- (d) The FCC 7-1-1 Order provided that telecommunications carriers are permitted to choose between switch based or AIN-based technology when providing 7-1-1 service. Both Ameritech and AT&T have indicated that they have chosen to utilize the AIN platform, expect to complete testing in June 2001, and expect to be ready to implement 7-1-1 well in advance of the FCC-mandated deadline (Ameritech Initial Comments at 3, 4; AT&T Comments at 2,3).
- (e) AWS comments that, as a national carrier with national infrastructure and systems, it is striving to implement 7-1-1 on a nationwide, instead of state- by-state basis. To date, the work of AWS' national 7-1-1 implementation team has included switch translations, billing system adjustments, and testing of all impacted systems. AWS states that it is diligently working to implement 7-1-1 dialing to intrastate TRS providers

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nationwide by the FCC mandated deadline and, in fact hopes to complete the implementation earlier (AWS Comments at 7).

- (f) None of the commenting parties identified any extraordinary costs associated with 7-1-1 implementation (AT&T Comments at 3). In fact, Ameritech, CBT, Century Tel, and Sprint all identified their 7-1-1 implementation costs as "minimal" (Ameritech Reply Comments at 3; CBT Comments at 3; Century Tel Comments at 1; Sprint Comments at 4).
  - (g) In its 7-1-1 Order, the FCC made a point of encouraging carriers, states, and relay providers to implement consumer education and outreach programs that will increase public awareness and understanding of 7-1-1 access to TRS and thereby enhance the effectiveness of that abbreviated dialing service (FCC's 7-1-1 Order at 28, 29). Sprint has stated that, through bill messages, news releases, advertorials, and/or bill inserts, it will begin in September 2001 notifying its customers of the availability, after October 1, 2001, of TRS access via the 7-1-1 dialing code (Sprint's Comments at 40). Ameritech, too, has stated that it will take part in the statewide rollout of the 7-1-1 service in Ohio during the month of September "as requested by Sprint, the Ohio TRS provider" (Ameritech's Initial Comments at 4). CBT indicated in its May 21, 2001 comments that it would begin issuing a bill insert notifying customers of the availability of 7-1-1 dialing within "the next few weeks."
- (33) In summary, we note that all of the commenting parties have stated that they have either already implemented, or will, by the FCC-mandated October 1, 2001 deadline, implement 7-1-1 access to TRS pursuant to the requirements of the FCC's 7-1-1 Order.

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Accordingly, upon review of the comments and reply comments filed in response to our March 23, 2001 entry, we now find it appropriate to order that all telecommunications service providers under our jurisdiction shall be required to implement 7-1-1 access to TRS on an intrastate basis in Ohio, by October 1, 2001, in compliance with the requirements of the FCC's 7-1-1 order.

- (34) We agree with the conclusion reached by the FCC, that consumer education and outreach efforts will be a particularly important aspect of 7-1-1 implementation (FCC's 7-1-1 Order at 28). Therefore, we find it appropriate now to require all local service providers under our jurisdiction to provide, on or before October 1, 2001, notice to all of their customers of the availability of access to the intrastate Ohio telecommunications relay service via the 7-1-1 abbreviated dialing code, via 1-800-750-0750, and via any other applicable toll-free number, either through bill message, bill insert, or direct notice to their customers. Such notices shall be submitted to the Commission's education staff for review prior to production and dissemination<sup>1</sup> unless the notice used consists entirely of the following language, used verbatim:

#### 711 ACCESS TO TFIF OHIO RELAY SERVICE

Beginning October 1, 2001, (or earlier date, if applicable) it will become easier to call the Ohio Telecommunications Relay Service. As of the date, the Ohio Relay Service will be accessible for all (local service provider's name customers by dialing 711.

If you need to call a deaf, hard-of-hearing, or speech-impaired person who uses a text telephone (TTY), you may, on or after October 1, 2001, (or earliest date, if applicable) use the Ohio Relay Service by dialing 711. A Communications Assistant (CA) will answer your call. Tell the CA the phone number of the person you wish to reach. The CA will dial your call, type

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everything that you say to the TTY user, and read everything the TTY user types to you. Callers using a TTY can also dial 711 to access the Ohio Relay Service.

There are no charges to connect to the Ohio Relay Service using the 711 or the existing toll-free number, which will remain in use, 1-800-750-0750. The service is available 24-hours a day, seven days a week. All calls are handled in strict confidence.

- (35) In addition, we find it appropriate now to require that all local service providers shall include within the annual directories that they are required to provide pursuant to our minimum telephone service standards, on a going forward basis in all new directories published after October 1, 2001, instructions on how to access the intrastate Ohio telecommunications relay service through the 7-1-1 abbreviated dialing code in addition to any other applicable toll-free numbers

It is, therefore,

ORDERED, That the application filed herein by OCIRP and 211 Ohio for assignment of the 2-1-1 abbreviated dialing code to information and referral service providers is granted as provided herein. It is, further,

ORDERED, That the request filed herein by OCIRP and 211 Ohio for designation as the 2-1-1 implementation coordinator is granted, subject e conditions set forth in Finding (26). It is, further

ORDERED, That the application filed herein by ODOT for an extension of its pilot use of the 2-1-1 abbreviated dialing code is granted to the extent necessary to provide for conversion to the 5-14 abbreviated dialing code as provided in Finding (25). It is, further,

ORDERED, That jurisdictional local exchange telephone company's file proposed 2-1-1 tariffs and initiate 2-1-1 service to approved call centers as provided in Finding (28). It is, further,

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ORDERED; That in accordance with Finding (33), all telecommunications service providers under our jurisdiction shall implement 7-1-1 access to TRS on an intrastate basis in Ohio, by October 1, 2001, in compliance with the requirements of the FCCs 7-1-1 Order. It is, further,

ORDERED; That in accordance with Finding (34), all telecommunications service providers under our jurisdiction shall be required to provide, on or before October 1, 2001, notice to all of their customers of the availability of access to the intrastate Ohio telecommunications relay service via the 7-1-1 abbreviated dialing code, via 1-800-750-0750 and via any other applicable toll-free number, either through bill message, bill insert, or direct notice to their customers. It is, further,

ORDERED; That, in accordance with Finding (35), all local service providers shall include within the annual directories that they are required to provide pursuant to our minimum telephone service standards, on a going forward basis in all new directories published after October 1, 2001, instructions on how to access the intrastate Ohio telecommunications relay service via the 7-1-1 abbreviated dialing code, via 1-800-750-WSQ, and via any other applicable toll-free numbers. It is, further,

ORDERED, That a copy of this entry be served on all parties of record and all parties filing comments and/or reply comments in response to the Commission's March 23, 2000 and April 30, 2001 entries in this docket, and all telecommunications service providers in the state of Ohio.



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